



## **PROJECT PROPOSAL**

### **Voluntary pilot programme**

#### **Review of implementation of the United Nations Convention against Corruption**

##### ***Background***

Article 63 of the United Nations Convention against Corruption (UNCAC) establishes a Conference of the States Parties with a mandate to, inter alia, promote and review the implementation of the Convention. In accordance with article 63 paragraph 7, the Conference shall establish, if it deems necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.

At its first session, held in Jordan in December 2006, the Conference of the States Parties agreed that it was necessary to establish an appropriate and effective mechanism to assist in the review of the implementation of the Convention (resolution 1/1). The Conference established an open-ended intergovernmental expert group to make recommendations to the Conference on the appropriate mechanism, which should allow the Conference to discharge fully and efficiently its mandates, in particular with respect to taking stock of States' efforts to implement the Convention. The Conference also requested the Secretariat to assist parties in their efforts to collect and provide information on their self-assessment and their analysis of implementation efforts and to report on those efforts to the Conference.

In order to begin the process of information gathering and to start building the required knowledge base, the Conference in resolution 1/2 requested the Secretariat to finalize and distribute a self-assessment checklist. All States Parties will be requested to undertake a self-assessment of their compliance with certain provisions of the Convention on the basis of the self-assessment checklist distributed by the Secretariat. The analysis of the information thus received will be essential for both, getting an overall picture of implementation efforts and tailoring the provision of technical assistance to support these efforts.

In addition, several countries already during the session of the Conference expressed their readiness to support on an interim basis a review mechanism which would combine the self-assessment component with a review process supported by the Secretariat.

*The present pilot programme proposal aims at providing the basis for testing such a mechanism, with the overall objective to evaluate efficiency and effectiveness of the tested mechanism(s) and to provide to the Conference of the States Parties information on lessons learnt and experience acquired, thus enabling the Conference to make informed decisions on the establishment of the appropriate mechanism for reviewing the implementation of the Convention.*

##### ***Pilot Strategy***

The pilot programme has been conceptualized, to offer adequate opportunity to test possible means for implementation review of the Convention. Time is essential in this connection. The pilot programme is designed to produce enough concrete results for

the consideration of the Conference of the States Parties to advance the issue of review of implementation and build further on the significant political decision on the necessity of a review mechanism. In order to allow adequate time to test the review mechanism(s) and at the same time to not prejudice the possibility of the Conference taking a decision on a full-fledged review mechanism at its second session, the following approach will be taken:

The duration of the pilot programme will be organized using a two-phase approach with primary emphasis on obtaining results during the first phase, which is scheduled to last until December 2007. The second phase will be launched if it is deemed necessary after the second session of the Conference. Should a second phase be required, it will be designed to build upon the results of the first phase and relevant decisions of the Conference at its second session. The programme will be reviewed and possibly expanded before the second phase is launched.

### ***Pilot Methodology***

The pilot will conduct a limited review of the implementation of UNCAC in the participating countries using a combined self-assessment / group / expert review method as possible mechanism(s) for reviewing the implementation of the Convention. It is aimed at testing effectiveness and efficiency of the approach, thus assisting the Conference to reach a decision on the establishment of an appropriate review mechanism. The pilot is proposed as an interim measure to help fine-tune the course of action and put to the test the means to realize it. The programme will be strictly voluntary and limited in scope and time.

The main substantive focus of the review will be on the compliance of the existing regulatory and legislative framework in the participating countries with selected provisions of UNCAC. Focusing the pilot narrowly will make it easier to draw useful conclusions on the feasibility and effectiveness of the piloted methodology. In addition, it will facilitate the delivery of interim results already by the second session of the Conference.

### ***Participation***

The group of States participating will be both, developed and developing countries. The pilot will be funded through voluntary contributions. To the extent possible, an effort will be made to ensure adequate regional participation throughout the pilot programme. For the first phase, the following countries have expressed interest to participate in the pilot review programme: Argentina, Austria, Finland, France, Greece\*, Indonesia, Jordan, the Netherlands, Norway, Peru, Poland, Romania, Sweden, Tanzania, the UK, USA.

### ***Pilot review group***

A Group consisting of 1-2 government selected experts from each participating country will oversee the implementation of the programme, carry out the reviews and evaluate the programme in its entirety. In addition to preparing, with appropriate assistance by the Secretariat, a comprehensive report on the performance of the pilot programme, the

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\* Not yet a State Party

Group will also be requested to identify lessons learned and properly convey the experience gained by the voluntary programme, for submission to the Conference of the States Parties and to the open-ended intergovernmental expert working group.

Throughout the review process, members of the Group will engage with the individual country in an active dialogue, discussing preliminary findings and requesting additional information. Where requested, country visits will be conducted to assist in undertaking the self-assessments and/or preparing the recommendations. The teams conducting the country visits will be composed of two prior agreed upon experts from the Group and a member of the Secretariat.

### ***Funding***

The voluntary contributions will finance the implementation of the pilot in its entirety, including monitoring and evaluation, meetings of the review group and specific in-country assistance where required. Estimated funding requirements are contained in the annex.

### ***Overall Objective***

To draw lessons and evaluate the efficiency and effectiveness of possible review mechanism(s) in order to inform the Conference of the States Parties and its intergovernmental open-ended expert working group and assist the Conference in taking a decision on the establishment of a full-fledged review mechanism, in accordance with its resolution 1/1.

### ***Expected Outcomes***

#### ***Outcome 1:***

Lessons learned and experience gained with the tested pilot process for information of the Conference and its working group.

#### ***Outcome 2:***

Comprehensive evaluation of the efficiency and effectiveness of the tested pilot review process for information of the Conference and its working group.

#### ***Outcome 3:***

Elements of a full-fledged implementation review mechanism for consideration by the Conference.

#### ***Outcome 4:***

Assessment of the reviewed legislative and regulatory framework to implement UNCAC in participating countries, thus identifying possible gaps and weaknesses in implementation and needs for technical assistance, and establishing benchmarks against which implementation progress can be measured.

#### ***Outcome 5:***

Recommendations, describing concrete measures which need to be taken to put in place an adequate framework to implement the Convention and including specific time frames for each recommendation.

### ***Concrete Activities***

1. Establish a Review Group, consisting of 1-2 government nominated experts from each participating country. Supported by the Secretariat, the Group will be tasked to: (i) analyse the country assessment reports and recommendations; (ii) conduct, where required, country visits and reviews; (iii) evaluate the effectiveness and efficiency of the pilot programme; (iv) make suggestions for adjusting methodology and/or scope of the pilot, if required; and (v) based on the findings prepare proposals for elements of a full-fledged review mechanism.
2. Organize an initial planning meeting of the Review Group. To ensure a sense of ownership and responsibility of the review, the Group will decide on its terms of reference, including scope, methods and time table of its work.
3. Organize subsequent meetings of the Review Group, for the Group to (i) draw lessons from the process and monitor and evaluate the effectiveness of the review process per se; and (ii) review country assessments, make recommendations and review the implementation of the recommendations and the effectiveness of the country strategies.
4. Preparation of individual country assessment reports by the participating countries. Countries are free to select the methodology for their self-assessments, as well as whether they wish to request assistance, either by way of desk reviews or in-country visits. A direct line of communication between the country and the Secretariat will be available and the Secretariat will be at the disposal of countries to provide guidance throughout this process, where requested. In addition to the individual guidance provided, tools for facilitating individual assessments, for example the self-assessment checklist prepared in accordance with resolution 1 1/2 and any other guidance notes that may be developed will be at the disposal of countries. Lessons drawn from other assessments will be shared with participating countries (e.g. gap analysis).
5. Submission of the country assessment reports to the Secretariat for analysis.
6. Throughout the analysis, the Secretariat will maintain an active dialogue with the country in order to seek clarification and further information where required.
7. Joint presentation of the analysed reports by the reviewed country and the Secretariat to the Review Group.
8. Review of the reports, particularly with a view to identifying vulnerabilities, weaknesses and gaps in incorporating the reviewed provisions of the Convention into the domestic normative framework.
9. Elaborate concrete recommendations, where such gaps exist, setting out achievable time frames and establishing clear priorities.
10. Based on the recommendations, country designs an implementation strategy to fill the gaps and/or strengthen existing measures. Countries can request assistance, including through sharing of good practices and in-country visits.
11. Provision of assistance to participating countries upon request throughout this process, by way of desk reviews or in-country visits from the Secretariat and selected experts. The process will be structured in a way as to allow for a constructive dialogue.

12. Country report back on the implementation of the recommendations /strategy through active dialogue to Secretariat and joint report back to Review Group. (see steps 6 and 7 above)

### ***Monitoring and evaluation***

The Conference, including through its open-ended intergovernmental expert working group, will review the efficiency and effectiveness of the pilot programme throughout its duration. Ongoing monitoring and a regular evaluation of the pilot will look into the strengths and weaknesses of the methodology(ies) used for the country assessments and the overall review process. At the same time a review of the domestic implementation of the selected provisions of the Convention takes place in the participating countries, as a way of monitoring. An evaluation of phase 1 of the pilot project will be conducted after 9 months, in time for the evaluation findings to be presented to the second session of the Conference of the States Parties. Should the pilot programme enter into phase 2, subsequent reports evaluating the effectiveness and efficiency, will be prepared in time for submission to the meetings of the intergovernmental expert working group for review. In that case, a final report evaluating the strengths and weaknesses of the pilot would be submitted to the Conference of the States Parties at its third session.